

## MASSAGE REGULATIONS

RULES AND REGULATIONS GOVERNING THE LICENSING AND PRACTICE OF MASSAGE THERAPY, MASSAGE THERAPY ESTABLISHMENTS AND THE OPERATIONS OF VAPORS, SHOWERS AND OTHER BATHS.

WALPOLE BOARD OF HEALTH, ACTING UNDER THE AUTHORITY OF CHAPTER 111, SECTION 31 AND CHAPTER 140, SECTION 51 - 53 ADOPTS THE FOLLOWING.

### Section 1. DEFINITIONS

- 1.1 **APPROVED:** shall mean approved by the Board of Health of the Town of Walpole.
- 1.2 **MASSAGE THERAPY:** shall mean any method of applying pressure, friction of manipulating the superficial external or deep tissues, muscles joints or bones; of tissue of the human body by rubbing, kneading, tapping, pounding or stroking with the hands or arms; with and without the aid of any manual electric or mechanical instrument; with or without supplementary aids such as rubbing alcohol, liniments, oils, creams, lotions, powders or similar preparations used in the practice for stimulating circulation, reducing tension and/or to provide for an increase in a person's health and well-being.
- 1.3 **MASSAGE THERAPIST:** shall mean any person (hereafter also termed "provider") who has been trained in the art of massage therapy and who has completed a program of the instruction in massage therapy approved by the Board of Health of the Town of Walpole.
- 1.4 **ESTABLISHMENT FOR MASSAGE THERAPY OR VAPORS, SHOWERS AND OTHER BATHS:** shall mean any office, building, place of business or premises where massage therapy is practiced as described in Section 1.2 above or where therapeutic or conditioning baths of water, vapors or other similar substances are given.
- 1.5 **PERSON:** shall mean any individual, co-partnership, corporations, company, association, firm, society or any combination of individuals if whatever from or character.
- 1.6 **SANITATION:** shall mean an effective bactericidal treatment by a process that provides enough accumulation of heat or concentration of chemicals for enough time to reduce bacterial court, including pathogens to a safe level on clean towels, linens and instruments.
- 1.7 **VAPOR BATHS:** shall mean any device, compartment or room designed to immerse or surround all or part of the human body in steam, fog or mist in a contained space. The term shall include, but not limited to, saunas, steam rooms, Turkish baths, finnish steam baths and steam cabinets.

**1.8 CROSS GENDER:** shall mean the provision of care or services to a member of the opposite biological sex.

## **SECTION 2. PERSONAL LICENSURE**

**2.1 LICENSE:** No person shall practice massage therapy or conduct an establishment for the giving of massage therapy; or vapor, shower or other baths, or advertise or hold himself out as being engaged in the business of massage therapy or giving of said baths in the Town of Walpole without receiving a license therefore from the Board of Health of the Town of Walpole.

**2.2 REQUIREMENTS** Any person desiring to obtain a license to practice massage therapy, vapor, shower or other baths shall make written application for such license on a form provided by the Board of Health.

The application for license shall include the following:

- A. Applicant must be at least eighteen years of age.
  - B. A certified copy of academic transcript and proof of graduation from a school of massage therapy approved by the American Massage Therapy Association or the Commonwealth of Massachusetts Department of Education or the Board of Education in the state in which the school is located.
  - C. A minimum of 500 hours and 6 months of instruction and practice training, with a letter of recommendation from where the training was obtained.
  - D. Copies of three (3) professional letters of recommendation.
  - E. Certification that the applicant is free of tuberculosis in a communicable form or any other communicable disease as set forth by the Massachusetts Department of Public Health. This can be accomplished by a skin test for tuberculosis or a chest x-ray, within one year prior of submitting a license application - bi-annually.
  - F. The name and address of all licensed establishments at which the applicant intends to practice, both within the Town of Walpole and outside the Town.
  - G. All criminal convictions, forfeiture of bond, or plea of nolo contendere, excluding traffic infraction or misdemeanor violations.
  - H. The Board of Health of the Town of Walpole reserves the right to grant variances on the above conditions.
- 2.3 EVERY applicant** for a license shall provide evidence satisfactory to the Board of Health to be of good moral and ethical character, of training and experience, and of physical fitness to enable the applicant to engage in the calling that he/she desires; and any license whosoever may at any time be required to furnish additional evidence of such character, fitness, training and experience.

- 2.4** **NO LICENSEE** shall perform massage therapy outside of a licensed establishment or in a home of a client unless specifically authorized by the Board of Health.
- 2.5** **NO LICENSEE** shall perform massage therapy of a person of the opposite sex unless specifically authorized by the Board of Health. The procedure for obtaining such approval is outlined in subsections 2.5a through 2.5d.
- A. Request for authorization to perform cross-gender massage will be reviewed on a case by case basis.
  - B. A massage therapist requesting cross-gender authorization shall petition the Board of Health in writing, indicating his/her reasons for the request.
  - C. The applicant shall appear at a scheduled interview before the Board of Health at which time the board will determine whether or not the applicant demonstrates a high level of professionalism toward the practice of cross-gender massage.
  - D. The crossed-gender authorization shall be reviewed annually upon complete compliance with this Walpole Board of Health Regulation during the year preceding.
- 2.6** **FAILURE** to comply with all applicable provisions of these regulations may result in suspension or revocation of the license, by the majority vote of the Board of Health.
- 2.7** **THE FEE** for such license shall be as established in the Walpole Board of Health Fee Schedule and the license will expire on December 31st of each year.

### **SECTION 3 LICENSE EXCEPTION AND EXCLUSION**

- 3.1** The licensing provisions of these regulations shall not apply to the following classes of individuals while engaging in the performance of the duties of their respective professions:
- A. Physicians, chiropractors, osteopaths, podiatrists, physical therapists, occupational therapists, or acupuncturists who are duly licensed to practice his/her respective profession in the Commonwealth of Massachusetts.
  - B. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp of the customer or client. (Reference General Laws Chapter 112, Sections 87H, 87I, 87J and 87JJ).

### **SECTION 4 ESTABLISHMENT LICENSURE**

- 4.1** **LICENSE.** Every establishment for the offering of massage therapy; or vapor, pool, shower or other baths shall be licensed by the Board of Health.

**4.2 FEE.** The fee for such a license shall be as established by the Walpole Board of Health Fee Schedule and license shall expire on December 31st each year.

**4.3 REQUIREMENTS.** Every establishment for the offering of massage therapy; or vapor, pool, shower or other baths shall meet the following standards:

- A. All persons in each establishment engaging in the practice of massage therapy shall hold a valid license from the Walpole Board of Health.
- B. All rooms shall be well lighted and well ventilated.
- C. Floors, walls, ceilings and other physical facilities of the establishment shall be maintained in a clean, sanitary condition at all times.
- D. Hot and cold running water from an approved source shall be provided, constructed, maintained and operated according to the applicable laws and in sufficient supply necessary to conduct the operations of the establishment.
- E. Toilet facilities shall be installed according to applicable laws; shall be at least one and not less than the number required by law; shall be conveniently located and accessible to employees and patrons at all times.
- F. Establishments shall be equipped with an adequate supply of clean, sanitary towels, coverings and linens which shall be stored so as to protect them from contamination. Towels and linens shall not be used on more than one patron unless they have been laundered and sanitized between individual uses. Disposable towels and coverings shall not be reused. Soiled linens and disposable items shall be deposited in separate covered receptacles and shall be disposed of as often as necessary in an approved sanitary manner.
- G. All instruments and devices used by any person licensed to practice massage therapy or conduct an establishment for the giving of massage therapy, for the direct application to the bodies of patrons or for holding materials to be applied to the body, shall be kept clean and sanitized between uses on customers or patrons. Adequate provisions shall be made for cleaning and sanitizing, according to manufacturers' specifications and subject to amendment by Board of Health inspectors.
- H. No licensed establishment shall be kept open or operate except between the hours of 7:00 AM and 9:00 PM, unless authorized by the Board of Health.
- I. The conduct or operation of the business for which the permit is requested and the place set forth in the application shall not violate any law, regulation or ordinance if the Town of Walpole or the Commonwealth of Massachusetts.
- J. Every person licensed to practice massage therapy or to operate an establishment for the giving massage therapy; or vapors, pool, shower or other baths will be issued a certificate to that effect from the Board of Health and the license shall have this certificate in his/her possession whenever and wherever he-she may engage in the practices so mentioned, and if requested, shall produce such certificate at the request of any legally authorized public official or officer.

- K. The facility shall at all times give the appearance of a professional facility.
- L. Agents of the Massachusetts Department of Public Health, the Walpole Board of Health or the Walpole Police Department as provided in the Massachusetts General Laws Chapter 140, Section 52, may enter an establishment licensed for the giving of massage therapy; vapors, pool, shower or other baths at any reasonable time for the purpose of making an inspection to ascertain whether the establishment is in compliance with these regulations. Refusal to allow such entry to authorized persons shall be sufficient reason to revoke the license issued under sections 2.1, 2.2 and 2.4 above.
- M. Facilities inspected at least annually.

#### **4.4 VAPORS, SHOWER AND OTHER BATHS ADDITIONAL REQUIREMENTS:**

- A. Operator shall provide for each sex, when applicable, separate dressing and toilet facilities which are adequate in number for the persons who may use the Vapors, Showers or other Baths at one time.
- B. Finished materials of the walls and partitions of the dressing rooms shall be smooth, nonabsorbent and capable of being sanitized. Dressing rooms shall be of ample size, well lighted, drained, ventilated and maintained in good, clean, sanitary condition at all times.
- C. Floor mats, if provided, shall be made of nonporous, rough, perforated rubber, plastic or other approved material.
- D. Heavy duty wall mounted soap dispensers shall be provided at each individual shower stall or at a rate of one dispenser for every two shower heads in a common shower room containing more than one head. Common use of bar soap or cloth towels is prohibited.
- E. Every bath tub without a system for recirculation and purification of tub water shall be drained, sanitized and refilled for each user.
- F. All vapors, showers and other baths, shower rooms, shower compartments and toilet rooms shall be thoroughly cleaned every day the establishment is in operation.
- G. No person having a disease communicable in the performance of his/her duties as an employee of a Vapor, Shower or Other Bath shall be allowed to work in the establishment during the period of his/her communicability.
- H. Any person having a disease communicable in the conditions ordinarily associated with the use of vapor, shower or other bath shall be excluded from its use during the period of his/her communicability.

#### **4.5 VAPOR BATH SPECIAL REQUIREMENTS:**

- A. The temperature shall be thermostatically controlled and shall not exceed 194 degrees Fahrenheit or 90 degrees Celsius for a sauna room and 120 degrees Fahrenheit or 49 degrees-Celsius for a steam room. A mechanism

for continuous temperature monitoring will be in place, including a paper recording device.

- B. The Vapor Bath shall be equipped with a free swing type door and a window to facilitate viewing of the interior of the room.
- C. A timing device and temperature indicator shall be provided and so located as to be clearly visible to the user.
- D. A clearly legible sign of permanent and durable material shall be affixed to the outside and the inside of the sauna or steam room at eye level. The plate shall bear the following or equivalent wording:

**WARNING: Use of this room should not exceed 30 minutes: excessive exposure may be harmful; pregnant women, elderly, and persons with heart disease, diabetes, high or low blood pressure should consult with their physicians before using this facility. Use of this facility while under the influence of alcohol or narcotics or while using medication is prohibited. Use by children under the age of fourteen years is prohibited.**

#### **4.6 Pool Baths Special Requirements:**

- A. Any establishment which provides a Specialty Purpose Pool as defined in the State Sanitary Code, Chapter V. Minimum Standards for Swimming Pools, 105 CMR 435.000 shall meet all requirements of the State Sanitary Code.

#### **SECTION V. PENALTIES.**

- A. **Criminal Complaint** Whoever violates any provisions of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense.
- B. **NON-CRIMINAL DISPOSITION** Whoever violates any provision of these rules and regulations may, at the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Law, Chapter 40 Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense, \$50.00 for the second offense; \$100.00 for the third offense \$200.00 for the fourth and subsequent offenses. Each day on which a violation exists shall be deemed a separate offense. In addition, the Health Agent may, when a clear danger to the health and welfare of the public exists, impose a cease and desist order on the individual or premises or portion of which found to be out of compliance.

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